IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1043 OF 1989

The State of Maharashtra ...Appellant
Vs.
Shri Mhamad Ismail Mahamed ...Respondent

Mr K.K. Tated, A.G.P. for the Appellant.
Mr S.S. Urankar for the Respondent.

CORAM : A. S. OKA, J.
DATE : MARCH 14, 2006.

P.C.:

1. Heard Shri Tated, learned A.G.P. appearing for the State Government.

2. By this Appeal the Appellant-State Government has taken exception to the Judgment and Award dated 31st October, 1988 passed by the learned Civil Judge, Senior Division, Raigad in Land Acquisition Reference under section 18 of the Land Acquisition Act, 1894. The subject matter of the Appeal is a land from village Ove, Taluka Panvel, District Raigad which was notified for acquisition by notification under section 4 of the said Act of 1894 issued on 03rd February, 1970. The acquisition was for New Bombay Project. The Reference Court enhanced the compensation by holding that the marked value of the acquired land on the relevant date was Rs.8/- per square meter. My attention has been invited to a group of First Appeals decided by this Court (First Appeal No.875 of 1985 and

other connected matters) on 16th March, 2000. By the said decision, a Division Bench of this Court decided Appeals arising out of Awards made under section 18 of the said Act of 1894 in respect of the lands pertaining to various villages which were acquired by notifications under section 4 of the said Act of 1894 issued in the year 1970. The acquisition in all these cases was for New Bombay Project. In case of similarly situated land from village Ove, the Division Bench held that the market value deserves to be fixed at the rate of Rs.13/- per square meter. It is not in dispute that said decision of the Division Bench has not be challenged by the State Government and same has attained finality.

3. In the present case, the market value of the land has been fixed at the rate of Rs.8/- per sq.mtrs. In view of the decision of the Division Bench referred above, there is no merit in the Appeal and same is dismissed with no orders as to costs.

JUDGE